

מס' תיק מקורי

מחלקה



5/2008 - 5/1999

חטיבה: מוזכר ראשי - Y: District & Village Administra

תת חטיבה: ממשלת א"י - Chief Secretary's

שם תיק: פקודה להגבלת שכר-הדירה (מתחמים עסקיים), 1941 טולכרם
Tulkarm Rent Restriction (Business Premises) Ordinance, 1941

סימול מקורי: Y/87/42 תקופת החומר: 11/1945-8/1942

מזהה פיזי: מ - 552 / 25 23/11/2010

ולווינסק 5 - וולדוויש ואמא

משרד

שם: Rent Restriction (Business Pre

מזהה פיזי: מ - 552 / 25

מזהה לוגי: 2.25/1 - 143 מס פריט: 1785429

כתובת: 02-112-05-02-10 11/12/2013

אמא - וולדוויש

Y	87	42
---	----	----

GOVERNMENT OF PALESTINE

C.S.O.

SUBJECT:

Rent Restitution (Business Premises)

Ordinance 1941

TULKARM

G.P.O. 8007-0001-27-19-1052

CONNECTED FILES

NUMBER AND YEAR

SUBJECT

to ar
foll
n
t
t
o

(1) D.C. Samaria — 795 — 3.8.42

(2) D.C. Samaria — 795 — 7.9.42.

(3) A.G.

May H.E. please have your advice on file (68) ⁽¹⁾ & (69)

(Intld.) D.C.T.
23.9.42.

(4) C.S.

W.r.t. (1). It seems to me to be advisable to wait until Executive Council has come to a decision on the question of the application to the municipal area of Tiberias of the provisions of the Rent Restrictions (Business Premises) Ordinance before any decision is taken with regard to the application of that Ordinance to the municipal area of Tulkarm, and that if Ex. Co. approves of the observations made by the Acting Legal Draftsman at (74a) ^{Y/3/41}, a copy of those observations should be circulated to all the District Commissioners with instructions that they bear them in mind when recommending the application of the said Ordinance to any municipal area.

(Intld.) J.B.G.
SOLICITOR GENERAL.

20th September, 1942.
LS.

(5) D.C. Samaria — 795 — 28.10.42.

(6) D.C. Samaria — 795 — 14.11.42

(7) A.G.

I am to request you to be good enough to prepare an Order extending the provisions of the Rent Restr. (Business) Ordinance to the municipal area of Tul Wara for H.E.'s consideration. pl. see in this Gen. (4) above
R 26.11.42

7/12/42

(8) C.S.

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
REGISTRY

12 DEC. 1942

Draft Order herewith.

2. With regard to the fixing of the prescribed date and percentage addition, I would draw your attention to folio (73a) in file Y/3/41. ^(see 86 herein)

3. You will observe that the percentage addition has been made only under the first proviso to section 6(1) and not under the first proviso to section 6(2). I presume that it is intended that it should be so.

7/12/42.

C.S.O. 89.

11th December, 1942.

for H.B.
ATTORNEY GENERAL.

(9) Clerk to the Ex. Council

Circulation slip for signature

A 16. 12. 52

(10) C. order at (8) for signature

A 21. 12. 52

Jan
21/12/52

(11) Safety Clerk

Order at (8) for publication
in the next issue of the Safety

A 22. 12. 52

Entered for Publication	24.12.42
Copyright No. 1239	

F5

(12) A/D. C. Samaria

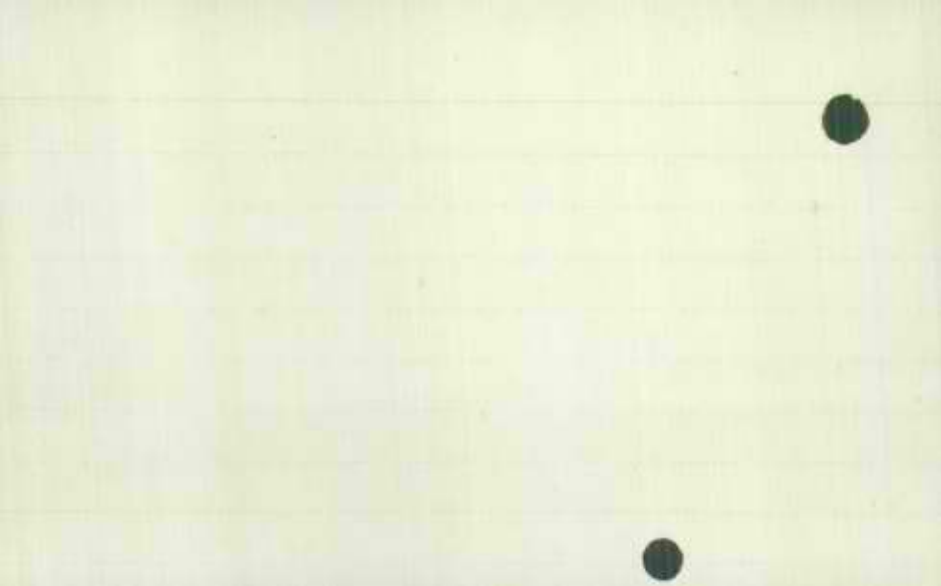
10. 11. 45.

NP. A
24. 12. 52

(13) L. C. Samaria - 20. 11. 45.

PAC

Y/87/42



Open C. D.

Drafted by Mr. Sperling Approved by Ruhi Bey.
Processed on 13/11 Typed by JS
on 14/11

Y/87/42.

20 November, 1945.

District Commissioner,
Samaria.

I am directed to refer to your letter No. 795-1 of the 10th November 1945, forwarding a petition by Mahmoud el Haj Qasim and others in which they apply for the revocation of the Rent Restrictions Ordinances or exemption from the Urban Property Tax and to inform you that Government concurs in the terms of your proposed reply to the petitioners.

for Abdul Wahab Chadi
ACTING CHIEF SECRETARY.

4/87/42

CHIEF SECRETARY'S OFFICE
GOVERNMENT OF PALESTINE.

12

IN REPLY PLEASE QUOTE

No. 795-1

12 NOV 1945

DISTRICT COMMISSIONER'S OFFICES.

SAMARIA DISTRICT.

NABLUS.

JERUSALEM

10 November, 1945

Chief Secretary ✓

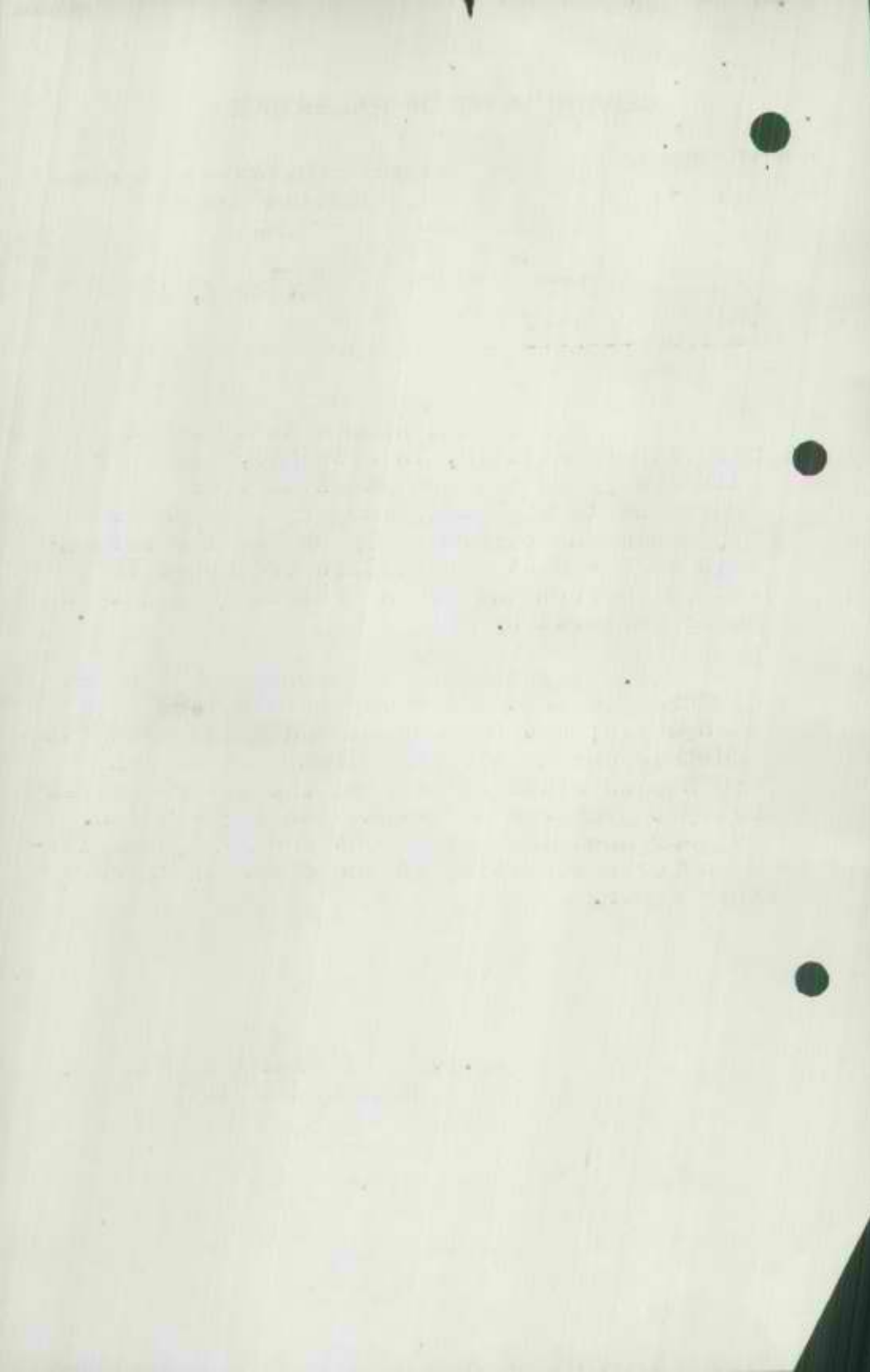
I have the honour to transmit herewith a petition, in original, together with a copy of a translation thereof addressed to His Excellency by Mahmoud el Haj Wasim and others applying for the revocation of the Rent Restriction Ordinance or exemption from the Urban Property Tax due on their properties.

2. I recommend that the petitioners be informed that their representations have been noted; but the conditions which necessitated the enactment of the Rent Restriction Ordinances still obtain and the Government is not yet prepared to revoke the legislation. Neither does the Government see any justification for a reduction in the taxes to which they refer.

Thurs

Ag. DISTRICT COMMISSIONER
SAMARIA DISTRICT

(Ends: 2)



Translation.

His Excellency the High Commissioner,
Thro' Asst. District Commissioner, Tulkarm.

We the notables, landlords and owners of real estate in Tulkarm have the honour to state the following:-

We feel obliged to call Your Excellency's attention to the Rent Restriction Ordinance applied in our town which has prevented us from deriving benefit from our properties in a reasonable manner or even doing so at all. Tenants have occupied these properties since before the war when they paid us reasonable rents. But their continuance in occupation during the years of the war and up till now on the basis agreed upon at the start despite the change in circumstances and the rise in prices and taxation, now 30 % higher, has all led to one fact viz. that the tenant benefits and the landlord loses.

What we receive in rent from our properties is the only real source of living we have. If what we receive we pay in taxes, it means the cutting of our livelihood and dislocation of our affairs.

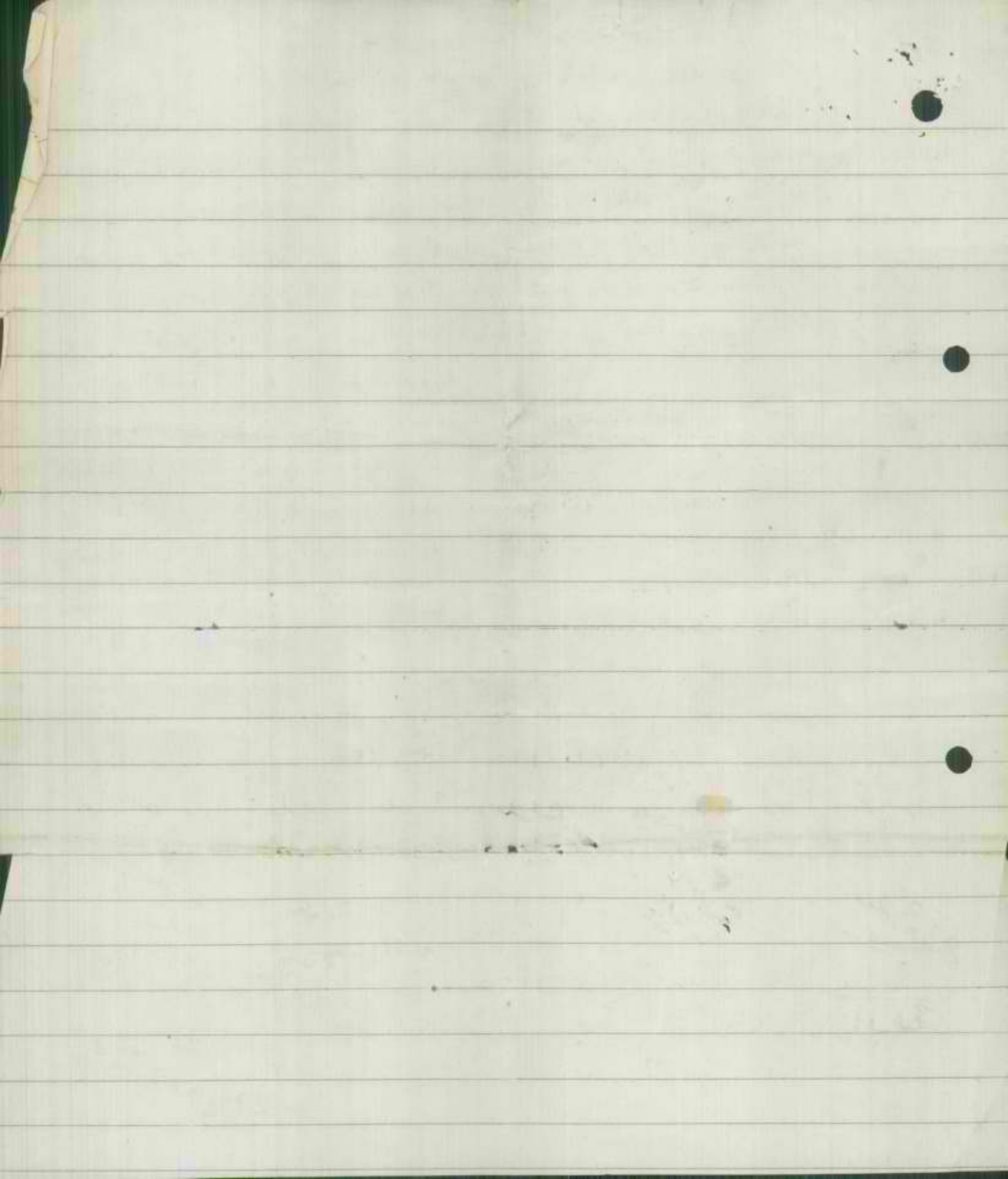
This law and circumstances as they are have caused us a strangling crisis and great difficulties. If it is necessary to continue such, let us be exempted from taxes on leased properties or let the tenants bear the said taxes which will somewhat relieve us of the heavy burden and cause it to be shared.

We appeal to Your Excellency to appreciate the circumstances and sympathize with us, making either for the annulment of the law or our exemption from heavy taxes in this respect. We feel that Your Excellency will respond to this general desire.

Accept our deep respects

(Sd) Mahmoud el Haj Qasim and 14 other
landlords.

JS/AT



CIRCULATED FOR WRITTEN OPINIONS

The question for consideration is set out on the reverse.

[Signature]
Clerk to the Executive Council

16.12.42 GPP. 14510-1400-27.1.42

OPINIONS

Col. G. W. Heron, C.M.G., C.B.E., D.S.O.

Yes
S. W. H. 17.12.42

Sir Douglas Harris, K.B.E., C.S.I., C.I.E.

Yes
JD 17.12.42

Financial Secretary

Yes
[Signature]
17.12.42

Attorney General

Yes
W. J. 16.12.42

Chief Secretary

Yes
[Signature]
18.12.42

Decision of the HIGH COMMISSIONER

Yes
[Signature]
18.12.42

HIGH COMMISSIONER

EXECUTIVE COUNCIL

CIRCULATED FOR WRITTEN OPINIONS

QUESTION

? Should the Order at folio (8a) applying the provisions of the Rent Restrictions (Business Premises) Ordinance, 1941, to the Municipal Area of Tul Karm, be approved by the High Commissioner in Council.

Please see in this connection folio (1) and minute (8).

December, 1942.

Clerk to the Executive Council

HA.
GPP. 8306-3000-00.6.30

OPINIONS

Mr. D.G. HARRIS, C.S.I., C.I.E.

TREASURER

ATTORNEY GENERAL

CHIEF SECRETARY

DECISION OF THE HIGH COMMISSIONER

HIGH COMMISSIONER

I have the following observations to make on the proposed application of the Rent Restrictions (Business Premises) Ordinance, 1941, to the Tiberias municipal area:-

1. Under section 3 of the Ordinance, an Order may be made by the High Commissioner in Council providing that the Ordinance shall apply to a municipal area, and, by virtue of section 6(1) of the Ordinance, when such an Order is made, notwithstanding any agreement to the contrary, no rent payable by a tenant in respect of any premises in the said municipal area may, after January 27, 1941, or such other date as the High Commissioner may by order prescribe, exceed the rent paid in respect of the Hejira year ending January 27, 1941, or the year ending on the prescribed date (as the case may be), plus 25% of such rent, or such lower percentage as the High Commissioner may in the Order provide.

(N.B. For the first proviso to section 6(1) to be consistent with section 3, the words "High Commissioner in Council" should be substituted for the words "High Commissioner".)

2. It follows from the above that there are only two methods for applying the Ordinance to a municipal area, namely:

(1) by applying it without prescribing any date, in which case the rent payable may not, after January 27, 1941, exceed the rent payable for the Hejira year ending on January 27, 1941, plus the said percentage, and, by virtue of the provisions of section 6(3) of the Ordinance, any agreement whereunder any rent in excess of that rent is payable shall be construed as though it were an agreement to pay that rent.

This will involve the revision of rents payable as from January 27, 1941.

(2) By applying the Ordinance and prescribing a date for the purposes of section 6(1), in which case the rent payable may not, after the prescribed date, exceed the rent paid for the year (i.e. Gregorian year - see Interpretation Ordinance, section 30), ending on such prescribed date, - not the rent payable on the prescribed date - plus the said percentage, and, by virtue of the provisions of section 6(3) of the Ordinance, any agreement whereunder any rent in excess of that rent is payable shall be construed as though it were an agreement to pay that rent.

This will involve the revision of rents payable as from the prescribed date.

3. In view of the above, it seems to me to be quite clear that an order cannot be made under the Ordinance which will provide -

(a) that it shall be applicable only to leases concluded or renewed after the date of the Order; and

(b) that it shall limit the rentals of properties covered by the Order to those charged on a specified date,

which, according to paragraph 5 of the memorandum at (71a) of Sir Douglas Harris, is the Order required.

4. The effect of applying the Ordinance to a municipal area as from a prescribed date may be expressed mathematically as follows:-

If x months prior to the prescribed date the amount by which the annual rent was increased above that of the previous year was i, and the amount of the rent for the previous year was r per annum, then the rent for the year ending on the prescribed

date would be -

$$(12-x) \frac{r}{12} + x \frac{(r+1)}{12}$$

i.e. $r + \frac{x1}{12}$.

In other words, the effect of applying the Ordinance will be to reduce, as from the prescribed date, the increase in rent from 1 to $\frac{x1}{12}$.

The effect on the current lease will be as follows:-

For the period from the commencement of the lease until the prescribed date the amount of rent payable will be -

$$x \frac{(r+1)}{12}$$

and the rent payable for the remaining (12-x) months of the year for which the lease was made will be -

$$(12-x) \left(\frac{r}{12} + \frac{x1}{144} \right)$$

so that the rent for the year for which the lease was made will be -

$$x \frac{(r+1)}{12} + (12-x) \left(\frac{r}{12} + \frac{x1}{144} \right)$$

that is $r + 1 \left(\frac{x}{6} - \frac{x^2}{144} \right)$.

As the annual rent according to the contract of lease is $r + 1$, the minimum amount by which the annual rent according to the contract of lease must be decreased as a result of the application of the Ordinance will be -

$$r + 1 - r - 1 \left(\frac{x}{6} - \frac{x^2}{144} \right)$$

that is - $1 \left(1 - \frac{x}{6} \right)^2$

For integral values of x from 1 to 12 the following therefore will be the minimum amounts by which the annual rent according to the contract of lease must be decreased as a result of the application of the Ordinance:

x	1	2	3	4	5	6	7	8	9	10	11	12
Decrease	$\frac{121}{144}$	$\frac{25}{36}$	$\frac{9}{16}$	$\frac{4}{9}$	$\frac{1}{4}$	$\frac{1}{9}$	$\frac{1}{16}$	$\frac{1}{25}$	$\frac{1}{36}$	$\frac{1}{49}$	$\frac{1}{64}$	0

The above calculations are made without taking into account the percentage addition which may be made under the first proviso to section 6(1).

I have worked out a formula for the difference in rent when a percentage p is added in exercise of the power conferred by that proviso, and I can demonstrate mathematically that in certain cases the effect of applying the Ordinance will be to enable the landlord to increase the rent instead of requiring him to decrease it, which is the object of the application of the Ordinance in order to prevent the landlords from being able to obtain in whole the increases which

they have demanded. A simple example, however, will, I think, suffice to show that such a result is possible.

Suppose that the Ordinance is applied to the municipal area of Tiberias, that September 1, 1942, is the prescribed date, and that the percentage addition is 5%, - as is provided for by the proposed Order, - then if, on November 1, 1941, i.e. 10 months prior to September 1, 1942, the rent was increased from LR 60 to LR 72, the rent for the period September 1, 1941, to September 1, 1942, would be LR 10 (for the period September 1, 1941 to November 1, 1941) plus LR 60 (for the period November 1, 1941 to September 1, 1942), i.e. LR 70. The rent for the period September 1, 1942 to November 1, 1942, would be $\frac{1}{6} \times \text{LR } 70 + 5\% \text{ of } \frac{1}{6} \times \text{LR } 70$

i.e. LR 12.250 mils, so that the rent for the period November 1, 1941, to November 1, 1942, instead of being LR 72, according to the contract of lease, would be LR 60 (for the period November 1, 1941, to September 1, 1942) plus LR 12.250 mils (for the period September 1, 1942 to November 1, 1942) i.e. LR 72.250 mils, an increase of 250 mils.

It will be necessary to bear the above in mind when determining the prescribed dates and percentage additions, and I think that the District Commissioner should be informed of the above and asked what he considers to be a suitable date and a suitable percentage addition in view thereof.

I have worked out the above in detail because it will have to be borne in mind whenever it is proposed to apply the Ordinance to a municipal area after the commencement of a rental year.

RENT RESTRICTIONS (BUSINESS PREMISES)
ORDINANCE, 1941.

ORDER BY THE HIGH COMMISSIONER IN COUN-
CIL UNDER SECTIONS 3 AND 6(1).

No.6 of
1941.

IN EXERCISE of the powers vested in him
by sections 3 and 6(1) of the Rent Restrictions
(Business Premises) Ordinance, 1941 (hereinafter
called 'the Ordinance'), the High Commissioner in
Council has been pleased to order and it is here-
by ordered as follows:-

Citation.

1. This Order may be cited as the Rent Res-
trictions (Business Premises) (Application to
Tulkarm) Order in Council, 1942.

Application
to Tulkarm
Municipal
Area.

2. The Ordinance shall apply to the Municipal
Area of Tulkarm.

Prescribed
date.

3. The prescribed date for the purposes of
section 6(1) of the Ordinance shall be the 1st
day of Dhilhijje in the Hejira year 1361 (27th
January, 1943 A.D.).

Percentage
addition.

4. The percentage addition for which provi-
sion may be made under the first proviso to
section 6(1) of the Ordinance shall, in the
Municipal Area of Tulkarm, be an addition of
five per centum.

By His Excellency's Command,

[Signature]
Chief Secretary.

(Y/87/42)

G.T. Farley
Clerk to the Executive Council

CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR, FBI

SUBJECT: [Illegible]

DATE: [Illegible]

FROM: [Illegible]

TO: [Illegible]

RE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

26. [Illegible]

27. [Illegible]

28. [Illegible]

29. [Illegible]

30. [Illegible]

31. [Illegible]

32. [Illegible]

33. [Illegible]

34. [Illegible]

35. [Illegible]

36. [Illegible]

37. [Illegible]

38. [Illegible]

No. 795



6 12

GOVERNMENT OF PALESTINE

DISTRICT COMMISSIONER'S OFFICES
SAMARIA DISTRICT, NABLUS

14th November, 1942

Chief Secretary

Subject:- Rent Restriction
(Business Premises)
Ordinance, 1942 -
to the Municipal Area of
Tulkarm.

Reference: My 795 of 28-10-42.

5

I shall be grateful if I may now have a reply to my letter under reference. This matter has been pending for over 3 months and in view of the proximity of Muharram it is essential that a decision should be reached.

R. Churchill

ACTING DISTRICT COMMISSIONER

Copy to:- Asst. Dist. Commissioner, Tulkarm.

RHC/FK.



5

GOVERNMENT OF PALESTINE.

No. 795

DISTRICT COMMISSIONER'S OFFICES
SAMARIA DISTRICT, NABLUUS.

28th October, 1942. 30 OCT 1942

Chief Secretary,
Jerusalem.

Subject :- Rent Restriction
(Business Premises)
Ordinance, 1942 -
to the Municipal Area of
Tulkarm.

Reference:- My 795 of 3.8.42 and 7.9.42.

I shall be grateful to be informed when
a reply may be expected to my letter under reference.

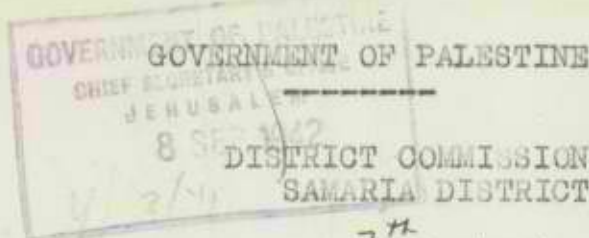
R. H. Cassil
/ ACTING DISTRICT COMMISSIONER
(absent on duty)

Copy to :- Assistant District Commissioner, Tulkarm.

W. V. T. No TUL-587/62 of 27.10.42.

/KHA.

No. 795



DISTRICT COMMISSIONER'S OFFICES
SAMARIA DISTRICT, Nablus

7th September, 1942

Chief Secretary

Subject:- Rent Restriction
(Business Premises)
Ordinance, 1942 -
to the Municipal Area of
Tulkarm.

Reference: My 795 of 3-8-42.

I shall be grateful if you will inform
me how the matter now stands.

6 *R. H. Kamil*
ACTING DISTRICT COMMISSIONER

No. 795

GOVERNMENT OF PALESTINE JERUSALEM

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE

4 AUG 1942

DISTRICT COMMISSIONER'S OFFICES
SAMARIA DISTRICT, NABLUS

3rd August, 1942

Chief Secretary

The Tulkarm Municipal Commission has passed a resolution asking that Government should apply the Rent Restriction (Business Premises) Ordinance, 1941, to the Municipal Area of Tulkarm.

2. A number of complaints have been received from shop-keepers during the last six months and there is little doubt that landlords are taking advantage of the crowded condition of the town.

3. As an example the average increase asked from 20 of these complainants is 29 %, which appears to me to be unreasonable and I therefore recommend that the Ordinance should be applied.

L. H. Krail
(ACTING DISTRICT COMMISSIONER
(about a hour))

Copy to:- Asst. Dist. Commissioner, Tulkarm.

GOVERNMENT OF THE STATE OF TEXAS
COMMISSIONER OF THE GENERAL LAND OFFICE

LAND OFFICE, DALLAS, TEXAS
JANUARY 1, 1902

TO THE HONORABLE THE ATTORNEY GENERAL

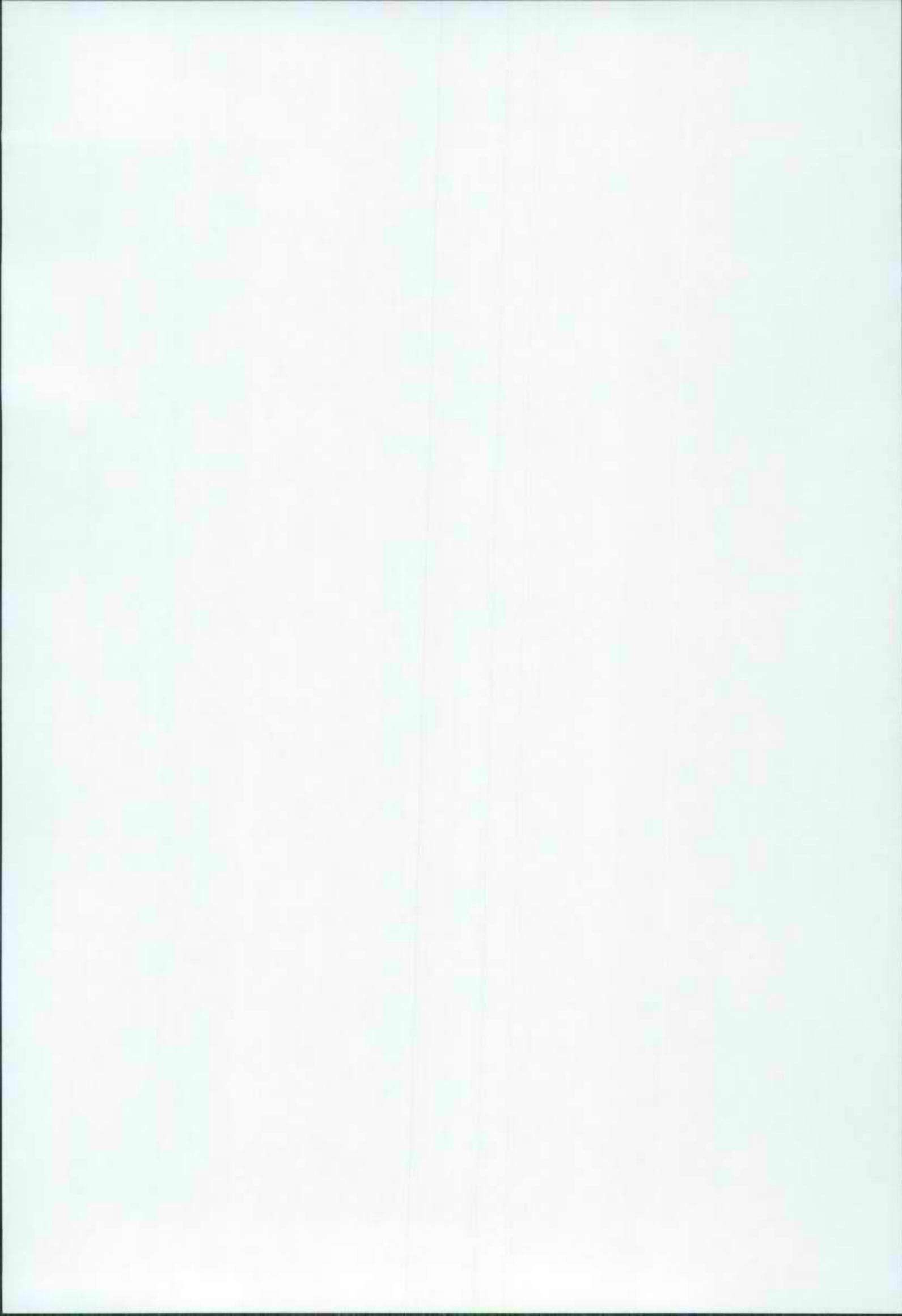
DEAR SIR:

The Texas Land Office has received from the
United States Land Office, at Washington, D.C.,
a copy of the report of the Surveyor General,
dated May 1, 1901, in relation to the survey of
the public lands in the State of Texas.

A number of complaints have been
received from land-owners within the State, in
reference to the survey of the public lands, and
it is requested that you will advise the
Department of the Interior of the same.

Very respectfully,
Yours truly,
J. W. H. [Signature]

Very truly,
J. W. H. [Signature]



GOVERNMENT OF PALESTINE

C.S.O.

SUBJECT:

Rent Restriction (Business Premises)

Ordinance 1941

TULKARM.

GPP. 8307-8000-27-39-983/5.

CONNECTED FILES

NUMBER AND YEAR

SUBJECT

INDEXED

8